

TEMPORARY

Serial No. 55168-7

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 10 1990

Returned to applicant for correction

Corrected application filed Map filed SEP 18 1989 under 53860

The applicant THE NATURE CONSERVANCY

1244 PINE STREET of BOULDER
Street and No. or P.O. Box No. City or Town

COLORADO, 80302 hereby make application for permission to change the
State and Zip Code No.

Place of use of a portion and the manner of use

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Truckee Carson Irrigation District Serial Nos. 804 and
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

805; United States of America v. Orr Ditch Co. in Equity N. A-3, Claim No. 3; United
Identify right in Decree.

States of America v. Alpine Land and Reservoir Co., No. D-183 BRT; both in the

Federal District Court of Nevada.

1. The source of water is Truckee River and Carson River
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 668.48 acre feet
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Maintenance of Wetlands for Recreation and Wildlife/Storage
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for as decreed
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point Lahontan Dam being within SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33,
Describe as being within a 40-acre subdivision of public survey and by course and

T19N, R26E, M.D.B.&M.
distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing permitted point of diversion is located within No change
If point of diversion is not changed, do not answer.

7. Proposed place of use See Addendum
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Within the SW $\frac{1}{4}$, Section 26, and the SE $\frac{1}{4}$, Section 27, T19N, R30E,
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

M.D.B.&M.
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from as decreed to of each year.
Month and Day Month and Day

10. Use was permitted from as decreed to of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and

specifications of your diversion or storage works.) No new diversion or storage works on the
State manner in which water is to be diverted, i.e. diversion structure,

Truckee River and the Carson River will be constructed
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works N/A

13. Estimated time required to construct works N/A

14. Estimated time required to complete the application of water to beneficial use 1 year

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

See Addendum and Exhibits

/s/Robert Wigington
By Robert Wigington Attorney for
The Nature Conservancy
1244 Pine Street. Boulder, CO 80302

Compared bp/se bp/se

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the place of use of the waters of the Truckee and Carson Rivers as set forth under the Newlands Reclamation Project rights in the Truckee and Carson River final decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

This temporary permit is expressly contingent on the payment of the operation and maintenance charges that are properly assessed and come due the same as if the water right was still appurtenant to the agricultural land from which it is transferred, pursuant to NRS 533.370, subsection 1(b).

This temporary permit is issued for the net consumptive use pursuant to Article VII in the United States of America vs. Alpine Land and Reservoir Company, et. al., D.C. No. D-183 BRT. The net consumptive use is determined to be 2.99 acre feet per acre of land removed from irrigation.

This temporary Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345, section 2 and will expire on September 11, 1991 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second 668.48 acre feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before _____

Proof of completion of work shall be filed before _____

Application of water to beneficial use shall be made on or before _____

Proof of the application of water to beneficial use shall be filed on or before _____

Map in support of proof of beneficial use shall be filed on or before _____

Completion of work filed _____
Proof of beneficial use filed _____
Cultural map filed _____
Certificate No. _____ Issued _____

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this 12th day of September,
A.D. 19 90
R. Michael Turnipseed, P.E.
State Engineer

EXPIRED

DATE 9-11-91

**ADDENDUM TO APPLICATION TO TEMPORARILY TRANSFER PORTIONS OF
NEWLANDS PROJECT WATER RIGHTS
TCID SERIAL NOS. 804 AND 805**

1. The proposed place of use consists of 56,720 acres more or less in:

All of sections 2 through 11; 14 through 22; 27 through 34, T21N, R32E;

All of sections 1 through 3; 10 through 15; 22 through 27; 34 through 36, T21N, R31E;

All of sections 3 through 10; 16 through 21; 29; 30, T20N, R32E;

All of section 1; section 2, W1/2, E1/2SE1/4, W1/2NE1/4, NE1/4NE1/4; all of sections 11 through 14; section 22, E1/2; all of sections 23 through 26; section 27, E1/2, SW1/4, E1/2NW1/4, SW1/4NW1/4; section 28, E1/2SE1/4; section 33, E1/2, E1/2SW1/4, SE1/4NW1/4; all of sections 34 through 36, T20N, R31E;

All of sections 2 and 3; section 4, E1/2, E1/2NW1/4, E1/2SW1/4, SW1/4SW1/4; all of sections 9 through 11; 14 through 16; section 17, E1/2, SW1/4, NE1/4NW1/4; all of sections 20 through 22, T19N, R31E; M.D.B & M.

2. Applicant seeks the approval of the State Engineer to cease the delivery of up to 668.48 acre feet (2.99 acre feet per acre less .40 acre feet per acre already delivered multiplied by 258.10 acres recognized in the 1987 baseline for the Operating Criteria and Procedures for the Newlands Project adopted on April 14, 1988) at the turnout for the existing place of use during the 1990 irrigation season only, to deliver temporarily up to that amount during the 1990 irrigation season only to a turnout on the "S" Line of the Newlands Project or other point of delivery for the Stillwater National Wildlife Refuge and Management Area, and alternatively to use that amount for the maintenance of wetlands for recreation and wildlife at various places within the 56,720 acre (more or less) proposed place of use at the Stillwater National Wildlife Refuge and Management Area or to store it in various ponds and reservoirs in that area for such use at a later time.

1

2

3